

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-00087-01-CR-W-HFS

CAROL L. DILLE,

Defendant.

**MOTION OF THE UNITED STATES FOR A PRELIMINARY ORDER
OF FORFEITURE, WITH SUPPORTING SUGGESTIONS**

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Preliminary Order of Forfeiture in the above-entitled case for the reasons set forth in the following supporting suggestions. A proposed order is submitted with this motion.

SUPPORTING SUGGESTIONS

1. On March 6, 2019, the defendant Carol L. Dille was charged in an Indictment.

Relevant to this motion, Count One charged wire fraud, in violation of Title 18, United States Code, Section 1343. Count Six charged bankruptcy fraud, in violation of Title 18, United States Code, Section 152. ECF No. 3.

2. The Forfeiture Allegation of the Indictment sought a personal money judgment against the defendant Carol L. Dille for \$76,601.20 in United States currency. *Id.*

3. On January 31, 2020, the defendant Carol L. Dille entered into a plea agreement with the United States in which she agreed to plead guilty to Count One and Count Six of the Indictment charging violations of Title 18, United States Code, Section 1343 and Title 18,

United States Code, Section 152; and consented to the entry of a money judgment in an amount to be determined by the Court at sentencing. ECF No. 22.

4. The Court's jurisdiction in this matter is founded upon Title 18, United States Code, Section 981(a)(1)(C), which provides that:

Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of . . . of this title, or any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Additionally, Title 28, United States Code, Section 2461(c), provides, in relevant part:

If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case pursuant to the Federal Rules of Criminal Procedure and section 3554 of Title 18 United States Code. The procedures in section 413 of the Controlled Substance Act (21 U.S.C. § 853) apply to all stages of a criminal forfeiture proceedings, except that subsection (d) of such section applies only in cases in which the defendant is convicted of a violation of such Act.

5. The United States has not, as of this date, identified specific assets that were derived from the offenses for which the defendant has been convicted. Nor has the United States identified any property of the defendant that could be forfeited as a substitute asset in accordance with Title 21, United States Code, Section 853(p).

6. Accordingly, the United States seeks the entry of an Order of Forfeiture consisting of a personal money judgment against the defendant pursuant to Rule 32.2(b)(2)(C) in an amount to be determined by the Court at sentencing.

7. The United States requests that the Court orally announce the final calculated amount of the money judgment at the time of sentencing and that the Court include the final

calculated amount of the money judgment in its Judgment and Commitment Order. *See* FED. R. CRIM. P. 32.2(b)(4)(B).

8. The entry of an Order of Forfeiture in the form of a personal money judgment is specifically authorized by Rule 32.2(b)(1) and (c)(1) of the Federal Rules of Criminal Procedure. Forfeiture money judgments are authorized by Title 21, United States Code, Section 853(o) and (p). *See United States v. Smith*, 656 F.3d 821, 827 (8th Cir. 2011); *see also United States v. Hampton*, 732 F.3d 687, 690-91 (6th Cir. 2013) (28 U.S.C. § 2461(c) incorporates 18 U.S.C. § 853 by reference to civil forfeiture). Once the Order of Forfeiture is entered, the Government may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit specific property of the defendant, having a value up to the amount of the money judgment, as substitute assets.

9. In accordance with the provisions of Title 21, United States Code, Section 853(p) and Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States requests that it be permitted to undertake whatever discovery is necessary to identify, locate, or dispose of property subject to forfeiture, or substitute assets for such property.

WHEREFORE, the United States respectfully requests that this Court enter an order directing a money judgment against the defendant Carol L. Dille for the amount of proceeds she obtained as a result of wire fraud and bankruptcy fraud.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By

/s/ Courtney R. Pratten

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2020, the foregoing motion was electronically filed with the Clerk of the Court using the CM/ECF system, for electronic delivery to all counsel of record.

/s/ Courtney R. Pratten

Courtney R. Pratten
Special Assistant United States Attorney